

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE  
THE TRADEMARK TRIAL AND APPEAL BOARD

**TTAB**

**The Proctor & Gamble Company,  
Inc.,**

Plaintiff

v.

**Kistler's Global Market L.L.C.**

Defendant

Opposition No. 91186992

Serial No. 77368989

**MOTION TO AMEND APPLICATION**

Applicant Kistler's Global Market ("Kistler's") moves to amend its registration Application No. 77368989 for the standard character mark OLEA ESSENCE to include the disclaimer "No claim is made to any exclusive rights in the word 'olea' apart from the mark as shown."

This Motion is made pursuant to a settlement agreement entered into by Kistler's Global Market and Opponent Proctor & Gamble Company ("P&G"), as described in the Stipulated Contingent Agreement and Dismissal of Opposition Proceeding and Suspension Request that has been submitted to the T.T.A.B.

For the reasons set forth below the Board should grant the Motion to Amend:

1. P&G has requested the Amendment and makes its request that the Board dismiss the Opposition with prejudice contingent upon it. Thus P&G has consented to the Amendment.



**02-26-2009**

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2. Granting the Motion will result in the just, amicable, and expeditious settlement of the controversy.

WHEREFORE, Kistler's respectfully requests that the Board grant the Motion to Amend its Application to include the disclaimer mentioned above.

Respectfully submitted,

KISTLER'S GLOBAL MARKET

2/23/09  
Date

Robert Pulone  
Robert Pulone, Esq.  
Attorney for Defendant

#### CERTIFICATE OF SERVICE

I hereby certify that true and complete copy of the foregoing MOTION TO AMEND has been served on Thomas A. Adams, attorney for Opponent PROCTOR AND GAMBLE COMPANY, by mailing said copy on February 23, 2009, via First Class Mail, postage prepaid to:

Thomas A. Adams, Senior Counsel  
The Proctor & Gamble Company  
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Date: February 23, 2009